

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-6, 8-16, and 18-30 were pending in the application, of which Claims 1, 8, and 19 are independent. In the Office Action dated March 2, 2006, Claims 1-6, 8-16, and 18-30 were rejected under 35 U.S.C. 102(e). Following this response, Claims 1-5, 8-16, and 19-30 remain in this application, with Claims 6 and 18 being canceled without prejudice or disclaimer, and with Claims 31 and 32 being added by this amendment. Applicants hereby address the Examiner's rejections in turn.

I. **Rejection of the Claims Under 35 U.S.C. § 102(e)**

In the Office Action dated March 2, 2006, the Examiner rejected Claims 1-6, 8-16, and 18-30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,608 ("*Ogilvie*"). Claims 1, 8, and 19 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "determining if an intended recipient's electronic mail server application supports receiving self-destructing electronic mail messages; if the intended recipient's electronic mail server application does not support self-destructing electronic mail messages, notifying a sender that the intended recipient's mail server does not support self-destructing electronic mail messages." Amended Claims 8 and 19

each includes a similar recitation. Support for these amendments can be found in the specification at least on page 13, lines 17-20.

Consistent with an embodiment of the invention, self-destructing e-mail message distribution to an e-mail system beyond a sender's home domain may be monitored and controlled by the user. (See specification page 13, lines 15-17.) This monitoring and controlling may allow a user, for example, to ensure that an e-mail client application receiving a self-destructing e-mail message supports necessary features. Necessary features may comprise, for example, features needed by the e-mail client application to destroy the self-destructing e-mail message as specified by the sender. (See specification page 13, lines 17-20.)

In contrast, *Ogilvie* at least does not disclose the aforementioned recitation from Claim 1. For example, *Ogilvie* merely discloses network addresses, environmental parameters, and previously sent ID files that are used to determine a message file's present location. (See col. 10, lines 35-39.) If an email connection is available, a packet can be sent to a specified location and the address on the response packet can be examined. (See col. 10, lines 42-44.) Furthermore, *Ogilvie* discloses a message embedded in an executable file being emailed. (See col. 9, lines 21-23.) When the recipient in *Ogilvie* tries to open the message, the executable portion runs an authentication operation to display the message. (See col. 9, lines 23-28.) The message then deletes itself. (See col. 9, lines 28-29.)

In contrast with the claimed invention, *Ogilvie* does not disclose determining if intended recipient's electronic mail server application supports features necessary to receive a self-destructing electronic mail messages. Nor does *Ogilvie* disclose notifying

a sender that one or more of the intended recipient's electronic mail server application does not support self-destructing electronic mail messages. Rather *Ogilvie* merely discloses using network addresses, environmental parameter, and previously sent ID files to determine a message's location and executable files embedded in an email message. While, *Ogilvie* determines a message's location and emails executable files, *Ogilvie* does not determine if server applications support self-destructing email messages. Furthermore, because *Ogilvie* determines a message's location and emailing of executable files, *Ogilvie* does not notify a user if intended recipient's server applications do not support self-destructing email messages.

Ogilvie does not anticipate the claimed invention because *Ogilvie* at least does not disclose "determining if an intended recipient's electronic mail server application supports receiving self-destructing electronic mail messages; if the intended recipient's electronic mail server application does not support self-destructing electronic mail messages, notifying a sender that the intended recipient's mail server does not support self-destructing electronic mail messages", as recited by amended Claim 1. Amended Claims 8 and 19 each includes a similar recitation. Accordingly, independent Claims 1, 8, and 19 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 8, and 19.

Dependent Claims 2-6, 9-16, 18, and 20-30 are also allowable at least for the reasons described above regarding independent Claims 1, 8, and 19, and by virtue of their respective dependencies upon independent Claims 1, 8, and 19. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-6, 9-16, 18, and 20-30.

II. New Claims

Claims 31 and 32 have been added to more distinctly define and to round out the protection for the invention to which Applicants are entitled. Applicants respectfully submit that these claims add no new matter. Applicants further submit that new Claims 31 and 32 are allowable over *Ogilvie* for at least the reasons cited in support of independent Claim 1, *supra*. In addition, since *Ogilvie* does not disclose determining if intended recipients' electronic mail server application supports features necessary to receive a self-destructing electronic mail messages; *Ogilvie* does not disclose removing recipients' who's electronic mail server application does not support self-destructing electronic messages. (See specification, page 13, lines 1-15.) Furthermore, since *Ogilvie* does not disclose notifying a sender that one or more of the intended recipients' electronic mail server application does not support self-destructing electronic mail messages; *Ogilvie* does not disclose a user interface window, wherein the notification window allows the sender to proceed or cancel sending the self-destructing message to intended recipients' electronic mail server application does not support self-destructing electronic mail messages. (See specification, page 13, lines 1-20.)

III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that

were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

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